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Letter Opinion No. 62-91-L
R-161

REQUESTED BY: Hon. Jeff Richards
Yuma County Attorney

OPINION BY: Robert W. Pickrell
The Attorney General

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QUESTION: May the sheriff's office of Yuma County legally charge an individual for the preparation of a certificate of good conduct prepared at his specific request and for his individual benefit?

CONCLUSION: No.

Title 11, Counties, Chapter 3, County Officers, Article 2, Sheriff, Section 11-441 A.R.S., enumerates the powers and duties of the sheriff. Section 11-445 A.R.S., lists the fees chargeable by the sheriff in civil actions. Nowhere in this article is there a provision that the sheriff may charge a fee for other work performed by his office. It is axiomatic that county officers have only such powers as are specifically authorized by the constitution, statute, or necessarily implied therefrom.

In Hartford Accident & Indemnity Co. vs. Waincott, 41 Ariz. 439, 445, our Supreme Court states, "the great weight of authority is in line with Haupt vs. Maricopa County, supra, (8 Ariz. 102), that counties have no powers to engage in any activities of any nature unless there is a statute so authorizing them expressly or by strong implication".

In Corpus Juris Secundum, Vol. 80, p.511, Sheriffs and Constables, it states:

"A sheriff is entitled to such compensation as the statutes authorize. His right to compensation is wholly derived from and dependent on, statute. He is not entitled to any compensation except such as is given him by law, and can recover no compensation for services, although within the line of his duties for which no compensation is provided by law."

And at page 512:

"A sheriff who in performance of a duty does more than is necessary will not be allowed fees for the extra and superfluous services."

At page 513, it reads:

"Statutes relating to the compensations of sheriffs are sometimes strictly construed by reason of the fact that they are in derogation of the common law. 123 Fla. 478, 167 So. 363."

In 57 C.J., page 1110, Section 1148, it reads:

"A sheriff or constable is not entitled to pay for services not required by the court, and outside of his duty under the statute, . . ."

It is the opinion of this office that the sheriff of Yuma County may not legally charge an individual for the preparation of a certificate of good conduct.

Robert W. Pickrell
ROBERT W. PICKRELL
The Attorney General *by uel.*

SJM:nt